OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL, BANGALORE.

Notification No. 3403, *dated* 12*th December* 1925.

Under Rule 49 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Village Panchayet Bill is published for general information with the portions of the Bill as amended by them.

By Order,
R. RANGA RAO,
Secretary,
Mysore Legislative Council.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE VILLAGE PANCHAYET BILL.

We, the members of the Select Committee appointed to consider the Village Panchayet Bill, met and considered the Bill at 4 sittings. The clauses in the Bill which in our opinion require changes, the amendments proposed by us and the reasons therefor are noted below. We recommend that the Bill as amended by us may be passed by the Council.

(SD.) M. RAMACHANDRA RAO.
,, B. NAGAPPA.
,, C. S. BALASUNDARAM IYER.
,, S. HIRIANNAIYA.
,, D. H. CHANDRASEKHARAIYA.
,, K. P. PUTTANNA CHETTY.
,, H. CHENNAIYA.
,, MAHOMED ABBAS KHAN.
,, K. MATTHAN.
,, K. CHANDY (*Chairman*).

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
Whereas it is expedient to make better provision for the administration of village affairs by the villagers themselves and thereby develop the system of Self-Government in the rural areas of the State; It is hereby enacted as follows:—	Whereas it is expedient to make better provision for the administration of local affairs of villages by the inhabitants thereof; It is hereby enacted as follows:— Preamble.	The words "village affairs" and "villagers" are replaced by "local affairs of villages" and "inhabitants," as more appropriate. The words omitted are redundant. The year will be entered when the Bill is passed.
(1) This Regulation may be called the Mysore Village Panchayet Regulation, 1925. (2) * * * (3) * * *	1. (1) This Regulation may be called the Mysore Village Panchayet Regulation. Short title. (2) * * * (3) * * * Provided that it shall be lawful, at any time after the passing of this Regulation, to hold elections in any district or part of a district for the purpose of this Regulation, in accordance with the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that district or part of the district.	This is to provide for elections before the Regulation is introduced in any area, so that a Panchayet may be established as soon as the Regulation is brought into force in the area. Otherwise there will be an interregnum.
2. On and from the date on which this Regulation comes into force in any district or part of a district, (*a*) the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets shall be repealed in such district or part of a district; (*b*) but all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be realised under the provisions of this Regulation; (*c*) when in consequence of the repeal of the enactments referred to in sub-section (*a*) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.	2. (1) On and from the date on which this Regulation comes into force in any district or part of a district, the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a district: Provided that all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation. Repeal. (2) When in consequence of the repeal of the enactments referred to in sub-section (1) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be recovered under the provisions of this Regulation.	Sub-clause (*b*) is really a proviso to sub-clause (*a*) and sub-clause (*c*) is an independent part of the clause. The clause is accordingly recast. The portion relating to recovery of dues in (*b*) should logically come after and form part of sub-clause (*c*). This is also effected in the clause as recast. 'Recovered' is substituted for 'realised,' as being more correct.

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee		Reasons for the change
3. In this Regulation, unless there is something repugnant in the subject or context, (1) "building" includes a house, shop, warehouse, orkshop, hut and shed ; (2) "village forest" means a forest constituted as such nder the Mysore Forest Regulation ; (3) "Panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the rposes of this Regulation ; (4) "Panchayetdar" means a member of a Panchayet ; (5) "Prescribed" means prescribed by the rules made nder this Regulation ; (6) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but hall not include a local area constituted into a Municipality placed under the control of a Sanitary Board constituted nder the Mysore Mines Regulation, 1906, or the Jahgirs of elandur and Sringeri ; (7) "District" means any local area which, for the rposes of the collection of land revenue, shall have been aced for the time being under the charge of a Deputy Commissioner of a District ; (8) "District Board" means any Board constituted nder the provision of the Mysore District Boards Regulaon, 1925 ; (9) "Amildar" includes a Deputy Amildar.	3. In this Regulation, unless there is something repugnant in the subject or context,	Interpretation.	The definitions are arranged in alphabetical order. Two more definitions are added and the definition of 'village' is added to so as to include a 'dakle' village. The portion relating to a Sanitary Board and the Jahgirs in the definition of 'village' is left out as the K. G. F. Sanitary Board has no objection to the Regulation being applied to villages under its control and Government have power under sub-clause (3) of clause 1 to apply the Regulation to only such portion of a district as they deem fit.
	(1) "Amildar" includes a Deputy Amildar.		
	(2) "Building" includes a house, shop, warehouse, workshop, hut and shed ;		
	(3) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District ;		
	(4) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation ;		
	(5) "Hamlet" means a village, the Village Panchayet of which consists of all the voters of the village as provided in Section 5 A ;		
	(6) "Panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation ;		
	(7) "Panchayetdar" means a member of a Panchayet ;		
	(8) "Prescribed" means prescribed by rules made under this Regulation ;		
	(9) "Taluk" includes a sub-taluk ;		
	(10) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes a Dakle village and an alienated village, but does not include a local area constituted into a Municipality ;		
	(11) "Village Forest" means a forest constituted as such under the Mysore Forest Regulation.		
4. (1) In any district or part of a district to which this egulation has been applied, the Deputy Commissioner shall, ubject to such rules or orders as may be made by Governent in this behalf, establish a Panchayet for every village r group of adjacent villages, and shall have power, by a notication in the Official Gazette, to vary as occasion may demand, e grouping of villages.	4. (1) In any district or part of a district to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjoining villages, and shall have power, by a notification in the Official Gazette, to vary as occasion may demand, the grouping of villages.	Establishment and incorporation of Panchayets	"Adjacent" is proposed to be replaced by "adjoining" as the correct word.
* * * * *	* * * * *		

(2) Every Panchayet shall be a body corporate by such as the Deputy Commissioner may determine and shall perpetual succession and a common seal, and shall by the name sue and be sued. Subject to any rules made by rnment in this behalf, it shall also have power to acquire, or transfer property, movable or immovable, to enter into acts and to do all things necessary for all or any of the oses of this Regulation.

5. (1) A Panchayet shall consist of such number of bers not less than 5 and not more than 12 as the Govern- may fix in this behalf.

(2) Where a Panchayet is constituted for more than village, the Deputy Commissioner shall determine the er of members to represent each such village.

(3) The members of the Panchayet may be,

(i) either wholly elected by the residents of the village; or

(ii) partly elected and partly nominated as the Government may direct by a notification in this behalf.

* * * *

(5) Any vacancies due either to want of qualified can- s or to failure to elect the full number of members which this section might be elected, may, notwithstanding ing contained in this Regulation, be filled up by nomi- by the Deputy Commissioner, and any person so nomi- shall be deemed to be a duly elected member.

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, whether within or without the limits of the area over which it has authority, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.

5. (1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf.

Strength of the Panchayets and the election or nomination of members.

(2) The members of a Panchayet shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct, be—

(i) either wholly elected by the residents of the village or villages; or

(ii) partly elected and partly nominated.

* * * *

(3) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.

(5) Any vacancies due either to want of candidates or to failure to elect the required number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member as if he had been duly elected.

There is no objection to a Panchayet acquiring or holding property, outside its limits, subject, as such acquisition is, to the rules framed by the Government. The clause is re-cast accordingly. This is in accordance with the corresponding provision in the District Boards Bill.

(1) Fixing of the strength of a Panchayet or Panchayets need not come up to Government. The Deputy Commissioner may fix the strength subject to rules framed by Government. The minimum number for a Panchayet is raised to 7, as otherwise, the quorum which is fixed at 5 in clause 17 will be equal to the total strength.

Sub Clause (3) should precede sub-clause (2) as it defines the constitution. Residence in the village or group of villages is prescribed as a necessary qualification for members. The words "as the Government may direct" ought to govern both paras (i) and (ii) and are inserted at the beginning of the sub-clause.

It is the elected element in each village that has to be determined by the Deputy Commissioner in order that every constituent village may have representation. Nominations are intended chiefly to safeguard the interests of minorities not adequately represented by election.

(5) The word "qualified" is unnecessary and "required" is a more appropriate word than "full." A nominated member cannot be an elected member, but can only be treated as an elected member in regard to rights and privileges, etc. Hence the change

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
	5.A. If two-thirds of the number of voters in a village included within the limits of any Village Panchayet having jurisdiction over more than one Village elect to be included within the limits of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet, be so included and after a period of not less than five years may similarly be included in another Village Panchayet. Conditions under which a village under a Panchayet may be included under another Panchayet, etc.	As Village Panchayets are to have perpetual succession, it is necessary to provide for changes that may be necessary in the course of time. Provision is made to allow the inhabitants of a village, the choice to get out of the jurisdiction of a Panchayet and be included in that of another. This may become necessary for various causes. Provision is also made to allow the inhabitants of a village to separate themselves and manage their own affairs. In the Malnad particularly, this may be a necessity. A hamlet that has separated should also have power to rejoin a Village Panchayet with the consent of the latter after the expiry of 5 years. The changes are made in order to give effect to the wishes of the villagers from time to time and not too frequently.
Nil.	(2) If two-thirds of the number of voters in any village included within the limits of any Village Panchayet elect to have their village constituted into a hamlet, it may be so constituted and thereafter, all the voters in the said village shall perform for the village, all the duties and shall have all the powers of a Village Panchayet under this Regulation. Hamlet.	
	(3) It shall be open to a hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet, provided that a period of five years has elapsed after it elected to become a hamlet.	
6. Every person who— (*a*) has completed 21 years of age; (*b*) is a resident of the village or villages for which a nchayet is to be established; (*c*) was, during the year immediately preceding the ection of members of the Panchayet, assessed to a tax of half rupee or more on account of land revenue, house tax, shop x or tax on vacant sites and hittals within the village; and (*d*) is not subject to any of the disqualifications mened in Section 7; shall be entitled to vote at an election of embers of the Panchayet. Provided that in the case of a n family or a partnership paying half a rupee or more on count of any such tax, the manager of the family, or any ember of the family or partnership with the consent of the t may vote, unless otherwise disqualified.	6. Every person who is a resident of a village and has completed twenty-one years of age, shall be entitled to vote at an election of members of the Panchayet of that village, unless disqualified. Qualifications of voters.	As in Bombay and Madras, every adult may be given the right to vote so long as he is a resident of the village. Twenty-one years is taken as the age of an adult rather than 25 which is adopted in Madras and Bombay. Women will also be allowed to vote. The right to vote can be exercised only when the person is not otherwise disqualified.

7. No person may vote, (*a*) * * * (*b*) * * * (*c*) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month, such sentence not having been reversed or the offence pardoned; or,	7. No person may vote— (*a*) * * * (*b*) * * * (*c*) who is convicted by a Criminal Court of an offence punishable with imprisonment for a term exceeding six months, such conviction not having been subsequently reversed or the offence pardoned; or	Disqualifications of voters.
(*d*) who applies to be adjudicated or is adjudicated a bankrupt or insolvent; or	(*d*) who is adjudicated an insolvent; or	
(*e*) * * *	* * * (*e*) Provided that the disqualificatoin— (1) under clause (*b*) will cease to operate after the expiry of three years from the date of such removal; (2) under clause (*c*) will, in the case of a person sentenced to a fine only or to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in all other cases after three years after the expiry of the sentence; (3) under clause (*e*) will cease to operate after expiry of the period during which the person is ordered to furnish security.	
10. Subject to such rules as may be made by Government in this behalf, every Panchayet shall appoint a Secretary from among its members.	10. Subject to such rules as may be made by the Government in this behalf, every Panchayet may appoint a Secretary from among its members who shall perform such duties as may be prescribed.	Secretary to Panchayet.

(*c*) *and proviso*

The Committee consider that in prescribing the period of disqualification both the nature of the offence and the actual punishment awarded should be taken into consideration and the period of disqualification for persons who suffer imprisonment for more than three months is therefore made longer than that for those who are sentenced only to a fine or imprisonment for not more than three months. In the District Boards Bill, the Select Committee propose to give Government the power to exempt at an earlier period than three years; but as the number of cases likely to require exemption under a system of adult suffrage under the Village Panchayet Regulation might be very large, a general rule is considered preferable to one involving reference to Government in each case.

Only an adjudged insolvent should be disqualified and not one who merely applies for insolvency.

The period during which security is ordered to be furnished should be the period of disqualification in this case.

Appointment of a Secretary should be optional and his duties should be fixed.

Clauses which require amendment	Clauses as amended by the Select Committee		Reasons for the change
11. Except as is otherwise provided in this Regulation in any other law for the time being in force, members of nchayets shall hold office for a term of three years, extensi- by order of the Deputy Commissioner to a term not ceeding in the aggregate four years, if on any occasion the puty Commissioner shall think fit, for reasons which shall notified, together with the order in the official Gazette, so extend the same. The term of office of a Chairman shall co-terminous with or be the residue of his term of office as Panchayetdar.	11. Except as is otherwise provided in this Regulation members of Panchayets shall hold office for a term of three years which may be extended by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion the Deputy Commissioner thinks fit, for reasons which shall be notified together with the order in the official Gazette, so to extend the same. The term of office of a Chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.	Term of office of Panchayetdar or Chairman.	The words "or in any other law for the time being in force" are unnecessary and are therefore omitted. "thinks fit" is substituted for "shall think fit" as more appropriate.
13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appoin- l under this Regulation, after giving him an opportunity for ing heard and after such enquiry as he deems necessary, if ch member has been guilty of misconduct in the discharge his duties, or of any disgraceful conduct, or refuses to act becomes incapable of acting	13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or refuses to act or becomes incapable of acting. The order of the Deputy Commissioner shall be final.	Removal of members.	As the removal is on the recommendation of a Panchayet and the member has opportunity of being heard, the decision of the Deputy Commissioner should be final.
14. The Deputy Commissioner shall remove a Chairman om his office for misconduct or neglect of, or incapacity to rform, his duty. Against the order of the Deputy Commis- oner in this matter an appeal shall lie to Government.	14. The Deputy Commissioner may remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty or for any disgraceful conduct, after giving him an opportunity of being heard and after such enquiry as the Deputy Commissioner deems necessary. An appeal shall lie to Government from the order of the Deputy Commissioner.	Removal of Chairman.	Power to remove a Chairman should be discretionary and not obligatory. The Chairman should be given an opportunity to state his case and if necessary an enquiry should be held. The Chairman should be liable to be removed for disgraceful conduct also. The clause is re-cast accordingly.
16. When the office of a Chairman or Panchayetdar comes vacant by his removal, disqualification, resignation or eath, a new Chairman or Panchayetdar shall be appointed, ected or nominated as the case may be in accordance with e foregoing provisions, and such Chairman or Panchayetdar hall hold office so long as the Chairman or Panchayetdar hose place he fills would have been entitled to hold office if ch vacancy had not occurred. The Secretary shall be in- arge of the office of the Chairman during a casual vacancy, ending the appointment or election of a new Chairman.	16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary, if any, or any member selected by the Panchayet shall be in charge of the office of the Chairman during a casual vacancy and pending the appointment or election of a new Chairman.	Filling of casual vacancies.	The addition made is necessary as the appointment of a Secretary is only optional. *Vide* change proposed in clause 10.
17. (1) A Panchayet shall meet for the transaction of siness at such time and place, and follow such procedure as ay be prescribed.	17. (1) A panchayet shall, in the transaction of business, follow such procedure as may be prescribed.	Business how transacted.	General rules prescribing the time and place of the meetings are sufficient and hence the change.

Nil		
Nil		
(2) * * *		
(3) * * *		
19. It shall be the duty of a panchayet, within the mits of the fund at its disposal, to make adequate provision r carrying out the requirements of the area under its con-ol in regard to the following matters :—	(2) The quorum for a meeting of the Panchayet shall be not less than one-half of the whole number of members of the Panchayet and shall not be less than five in any case, provided that in the case of a hamlet, it shall be a bare majority of the voters in the hamlet.	Quorum
	(3) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting.	Questions to be generally decided by majority of votes.
	(4) * * *	
	(5) * * *	
	19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters :—	Obligatory duties.
(i) construction, repair and maintenance of village oads including cart-tracks, culverts and bridges ;	(i) construction, repair and maintenance of village roads including cart-tracks, culverts and bridges, but not including those under the control of any other local body or of Government ;	
* * * *	* * *	
(iv) Extension of village sites and regulation of build-ngs ;	(iv) Regulation of buildings ;	
* * * *	* * *	
Nil	(xii) Supply of water for domestic use ;	
20. Subject to such rules as may be prescribed in this ehalf, the Panchayet may, within the limits of the fund at s disposal, make provision for carrying out the requirements f the area under its control in respect of any or all of the llowing matters :—	20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters :—	Discretionary duties.
(i) Supply of water for domestic use ;	(i) Omitted	
(ii) Enforcement of vaccination ;	(ii) Omitted	
Nil	(iv) Extension of village sites ;	
(vi) Excavation and maintenance of ponds for animals ;	* * *	
	(v) Excavation and maintenance of ponds for the supply of water to animals ;	
(ix) Taking measures for the economic improvement of he area in matters of education, agriculture, rural industries nd trade ; and	* * *	
	(viii) Development of education, agriculture, co-operation, rural industries and trade ; and	
* * * *	* * *	

Questions are to be decided by majority of votes. This matter may n be left to rules, as also the quorum f meetings. Hence the addition of tw more sub-clauses after sub-clause (1).

The roads and bridges which a Pa chayet should be in charge of are define

" Extension of village sites " brought under the optional duties Panchayets.

This item is brought under t obligatory duties of Panchayets.

Vide clause 19. Brought under ob gatory duties.

This is the duty of the Distri Board and hence omitted.

Vide clause 19. Treated as option duty.

The addition calls for no remark

'Development' is an appropri word. There can be no *econo* improvement of education and li matters and hence the change ; Co-ope tion is also included.

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.	21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet the management and control of grazing in hulbanni and gomal lands and the management, protection and maintenance of Village Forests whether reserved for fuel and fodder or for other purposes.	Transfer of grazing and Forests to Panchayets. Power is taken to transfer control over grazing, in hulbanni and gomal lands, if found desirable.
22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation, 1911, may exercise and discharge.	22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions of a Panchayet constituted under the Tank Panchayet Regulation, 1911, notwithstanding anything contained in Section 3 of that Regulation.	Vesting Panchayets with functions under the Tank Panchayet Regulation. A Tank Panchayet is constituted in a special manner under Section 3 of the Tank Panchayet Regulation. The powers and functions of a Tank Panchayet may be delegated to a Village Panchayet notwithstanding the provisions of the said section.
23. Subject to the approval of the Government any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, make over to it, subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet has got control.	23. Subject to such rules as may be prescribed by the Government, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.	Institutions or works may be transferred to Panchayet. This is to avoid each case coming up to Government for approval. General rules may be framed by Government leaving the terms, etc., to the bodies concerned.
24. The Government may entrust the management of minor muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet subject to such rules or orders as may be passed from time to time.	24. The Government may, by a general or special order, entrust the management of minor Muzrai institutions and supervision over village schools in the area under the control of any Panchayet, to such Panchayet and prescribe such rules as may be necessary for their management and supervision.	Panchayet to exercise powers of school committees and manage Minor Muzrai Institutions. No rules are needed for the transfer of the management of muzrai institutions or supervision over schools. The transfer may be effected by an order of Government. Rules may be necessary as regards the directions to be observed during management or supervision. The clause is modified accordingly.
26. A panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in Sections 27, 28, 29, 30, 31 and 32.	26. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in Sections 27, 28, 29, 30 31 and 32. Provided that the Panchayet may appoint committees to perform any of these functions	General power. It is desirable to provide for the appointment of Committees to perform certain functions. The whole Panchayet may not find it convenient to meet for the consideration or carrying out of each question or work.
27. The Panchayet * * * and may.— * * * * (*a*) lay out and make new roads; (*b*) construct new bridges; (*c*) divert, discontinue or close any road or bridge. (*d*) * * *	27. The Panchayet * * * and may.— (*a*) lay out and make new roads; (*b*) construct new bridges; (*c*) widen, open, enlarge, or otherwise improve any road or bridge; (*d*) divert, discontinue or close any road or bridge; (*e*) * * *	A fresh sub-clause re-widening, enlarging, etc., of roads and bridges is added. Such a provision exists in the Madras Act.

28. (1) Subject to such rules as may be prescribed by the Government in this behalf, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

28. Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds and it shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

'Prescribed' is defined in the Regulation. Hence the words omitted are redundant. There is no indication as to when and on what grounds permission to build can be refused. It is made clear that permission can be refused only if the site is unsuited for building on sanitary grounds.

30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction.—

(*a*) the Panchayet shall have power to

(i) construct, alter or remove public drains;

(ii) establish burning ghats and burial grounds; and,

(iii) effect such other improvements as are necessary to improve the sanitary condition of the area.

(*b*) The Panchayet may by a written notice, require within a reasonable period to be specified therein.—

30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction a Panchayet may, by a written notice, require within a reasonable period to be specified therein.— Power as to sanitation, conservancy and drainage.

The whole para (a) of sub-clause (1) is omitted. Clause 26, in conjunction with clause 19 provides for these matters.

* * * * *

(2) If any work required by a notice under clause (b) of sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub-section (1) as if it were a tax imposed under Section 36.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under Section 35.

Consequential changes. "Section 36" is not the correct section. It ought to be "Section 35."

31. (3) The Panchayet may, by order published at such places as it may think fit, prohibit all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream, or water course set apart for drinking or culinary purposes under sub-section (2).

31. (3) The Panchayet may, by order published at such places as it may think fit, prohibit,

(*a*) all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purposes under sub-section (2); and Power of Panchayet to provide for proper water supply.

(*b*) during epidemics, the use of any source of water supply for drinking or culinary purpose or for the washing of clothes.

The existing sub-clause only provides against pollution of water. It is necessary to provide for cases where there may not be pollution, but there may be fear of infection or of spread of infection. Sub-clause (*b*) is therefore added.

33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay, allowances, gratuities, pensions and contributions as the Government may direct.

33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants and shall assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary. Officers and servants.

As appointments are subject to rules framed by Government, reference to Government in the latter portions of the clause is omitted.

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
34. (1) All sums realised as taxes, fees, cesses, fines or s under this regulation, all fines and surplus proceeds of of cattle under the Cattle Trespass Act, 1871, as amended Regulation VIII of 1892, all sums of revenue assigned to Pancheyets by any general or special order of Government all other receipts of the Panchayets including any dona- s from a private person or body of persons, and any contri- ion from a District Board or the Government shall be paid a fund to be called the "Panchayet Fund" the accounts which shall be kept in the manner prescribed.	34. (1) All sums realised as taxes, fees, cesses, fines or costs under this Regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund." Panchayet fund and its application and investment.	The last 11 words are omitted and provision for maintaining accounts is made in clause 40 which is the proper clause.
Nil.	(2) The Government, may by general or special order, assign any specified revenue or make any grant to the Panchayet fund.	A new sub-clause is added as the Committee consider it desirable to have a provision for the assignment of revenue or the making of grants by Government.
(2) The Panchayet Fund shall be administered * * (3) The Panchayet Fund shall be invested in the Gov- ment Savings Bank or with the approval of the Deputy mmissioner in a Co-operative Society. A Panchayet may n time to time, with the approval of the Deputy Commis- ner invest any portion of its surplus funds in Government urities or other securities approved by the Government.	(3) The Panchayet Fund shall be administered * * (4) The Panchayet Fund shall be lodged in the Govern- ment Savings Bank or in a Co-operative Society or Bank ap- proved by the Deputy Commissioner, or in such manner as may be prescribed. A Panchayet may, from time to time, with the approval of the Deputy Commissioner, invest any portion of its surplus funds in Government securities or other securities ap- proved by the Government.	"Invested" would mean that the money may not be withdrawn whenever necessary. So it is proposed to be rea- placed by "lodged". The Panchayets may also be empowered to deposit money in any Bank approved by the Deputy Commissioner or in any other prescribed manner. The clause is recast accordingly
35. In every village a tax on houses, shops, cant sites and hittals shall be levied subject to such rules and exceeding such rates as shall be prescribed. Provided that it shall be competent to the Panchayet to ke provision for exemptions in favour of individuals or ss of individuals with the previous sanction of the Govern- nt.	35. (1) Every Panchayet shall levy, in the manner pre- scribed, a tax on all houses, shops or places of trade or business, vacant sites, hittals and carts in the village or villages within its jurisdiction. Obligatory taxes.	Shops do not include places where any profession or similar business is car ried on. Tax on carts is one of the item of Mohatarfa now collected and its omis sion perhaps is accidental. The clause i recast to include both the items.
	(2) The rates of such taxes shall not exceed the maxima that may be prescribed. (3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals, subject to such rules as may be prescribed in this behalf.	Calls for no remarks as there is n change in the sense. It is not necessary that each indivi dual case for exemption should come u to Government. Exemptions may b made subject to the rules prescribed.
36. * *	36. (1) * * * *	

Provided that the levy of such tax, cess, rate or fee is d to by not less than two-thirds of the members consti- g the Panchayet. Provided also that the Panchayet with the consent of the person from whom such tax, cess r fee is leviable, commute the payment of such cess into tribution of labour not exceeding 18 days' labour in a at such intervals, for such period of time and under such tions as may be prescribed in this behalf.	Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may, with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.	The words 'of such cess' are omitted as commutation of payment into labour is to be permitted in the case of all taxes, rates and fees leviable under this clause.
	(2) Any such tax, cess, rate or fee may be cancelled with the previous sanction of the Government.	Provision for cancellation of a tax, etc., is necessary.
Nil.	36. A. (1) If at any time, in the opinion of the Deputy Commissioner, the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in Section 19, the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to such an amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under Section 35. Increase of income.	Panchayets have got certain obligatory duties to perform under clause 19. They have discretion subject to the maxima to be prescribed by Government, to fix whatever rate they choose. They may fix a very low rate and plead that they have no funds to perform the functions that are obligatory. To avoid an intentional attempt in this direction, a new clause is added. Such additional taxation should be imposed only under the orders of the Deputy Commissioner of the District; and an appeal may lie to Government. This gives the Village Panchayet the maxima of autonomy consistent with the safety of the people.
	Provided that in no circumstances shall the Deputy Commissioner have power to require the rates of taxes to be increased beyond the maxima prescribed.	
	(2) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.	
37. No objection shall be taken to any assessment nor the liability of any person to be assessed be questioned wise than in accordance with the rules made under this lation.	37. Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made under this Regulation. Objection in respect of liability to assessment.	The clause is recast, so as to put the idea in the positive form.
38. (1) * * *	38. (1) * * *	
(2) The procedure to be followed prior to and during int and sale, the properties to be exempted from distraint he disposal of surplus proceeds, etc., shall be in accordance the rules framed in this behalf.	(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).	The order of sub-clauses (2) and (3) is reversed as being more logical.
(3) If the Panchayet neglects to recover or cannot er the taxes or other dues under sub-section (1), the lar shall recover the same by distraint and sale and for this purpose have all the powers that may be exercised Chairman under sub-section (1).	(3) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.	

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
(4) If the taxes or other dues cannot be recovered nder sub-sections (1) and (3), the Deputy Commissioner of ny District or any officer authorised by a Deputy Commissioner in this behalf, may recover the same as an arrear of and revenue, on receipt of a statement of account certified y a Chairman or an Amildar and after holding such enquiry, any, as he thinks fit.	(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (2), a statement of account shall be prepared by the Amildar and such statement when certified by the Deputy Commissioner, shall be conclusive evidence of the existence of the arrear, of the amount due, and of the person who is the defaulter. On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of any District to recover the dues as an arrear of land revenue, as if the demand arose in his own district.	As dues arising in one district may have to be recovered in another district, the dues should be certified by the Deputy Commissioner as in the Land Revenue Code.
(5) * * *	(5) * * *	
	(6) No proceedings shall be taken under sub-section (4) and no suit shall be instituted under sub-section (5) more than 3 years after the amount became due.	A period of three years is fixed for the institution of a suit for the recovery of dues or for their recovery as an arrear of land revenue.
39. (1) Every Panchayet shall submit annually to the mildar having jurisdiction on or before such date as may be rescribed, a budget of estimated receipts and expenditure for he coming official year and a report of its proceedings.	39. (1) Subject to such rules as may be prescribed, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Amildar having jurisdiction. Annual budget of Panchayets.	Verbal changes calling for no remarks. Submission of a report of the proceedings of Panchayets need not be provided for by Regulation.
(2) * * * *	(2) * * * *	
(3) No expenditure which is not provided for in the stimate as approved by the Amildar shall be incurred during he year to which the estimate relates without the previous anction of the Deputy Commissioner.	(3) No expenditure which is not provided for in the budget as passed by the Amildar shall be incurred without the previous sanction of the Amildar.	Verbal changes. "Passed" is the word used in the previous sub-clause; and includes cases in which the budgets are not returned by the Amildar within a month.
40. Accounts of all the receipts and expenditure of every anchayet shall be made up to the last day of every official ear in such form as the Government may from time to time rescribe and shall be examined and audited by such officer as ay be appointed by the Government in this behalf.	40. Accounts of all the receipts and expenditure of every Panchayet shall be maintained and made up to the last day of every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf. Annual accounts and audit.	*Vide* clause 34. Provision for the maintenance of accounts is added.
41. The Deputy Commissioner shall be chief controlling uthority in respect of all matters relating to the administration of Panchayets in the district.	41. The Deputy Commissioner of the District shall be the chief controlling authority in respect of all matters relating to the administration of Panchayets in the district. Deputy Commissioner to be Chief Controlling authority.	Calls for no remark.
42. The Assistant Commissioner in charge of a taluk hall exercise all the powers of a Deputy Commissioner under his Regulation in respect of Panchayets in that taluk.	42. Subject to the general control of the Deputy Commissioner of the District, the Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk, except those specified in Sections 4, 5, 13, 14, 36A, 45, 52 and 55. Assistant Commissioner to exercise powers of Deputy Commissioner.	The Assistant Commissioner cannot exercise all the powers of a Deputy Commissioner. Certain sections are excluded from the operation of this clause and the Assistant Commissioner, even when exercising the powers of a Deputy Commissioner, should do so under the general control of the latter.

45. The Deputy Commissioner may, by order in writing, quire any Panchayet in his district to perform any duty— nether obligatory, discretionary or delegated under this egulation—annul any proceedings which he considers not to in conformity with law and may do all things necessary secure such performance or conformity. Provided that nen the duty required to be performed is discretionary or legated, an appeal shall lie to Government against the order the Deputy Commissioner.	45. The Deputy Commissioner may, by order in writing, require any Panchayet in his district to perform any duty— whether obligatory, discretionary or delegated under this Regulation—annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government from the order of the Deputy Commissioner.	Power of Deputy Commissioners.
		"From" is substituted for "against" as the proper word.
46. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar and any ner officer empowered by Government in this behalf, shall ve access to all books, proceedings and records of every nchayet within their respective jurisdictions.	46. (1) The Deputy Commissioner and the Amildar shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions. (2) Any officer authorised by the Deputy Commissioner in this behalf shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the district.	Inspection of records.
		"Assistant Commissioner" is omitted, because under clause 42, he exercises the powers of the Deputy Commissioner. Any other officer has no jurisdiction over Panchayets and hence his powers of inspection, etc., under the authority of the Deputy Commissioner are relegated to a separate sub-clause. *Vide* reasons under clause 46.
47. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar or any other icer empowered by Government in this behalf, shall, in spect of Panchayets within his jurisdiction, have power at times— (*a*) to enter on and inspect or cause to be entered on d inspected, any immovable property occupied by or any rk in progress under the orders of, or any institution con- lled by a Panchayet; (*b*) to call for and inspect any document which may be the purposes of this Regulation in the possession or under control of a Panchayet; (*c*) to require the Panchayet to furnish such statements, counts and reports as he thinks fit; and may give such vice in respect of the administrative work and proceedings he thinks fit.	47. (1) The Deputy Commissioner and the Amildar shall, in respect of Panchayets within their jurisdiction have power at all times— (*a*) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by, or any work in progress under the orders of, or any institution controlled by, a Panchayet; (*b*) to call for and inspect, for the purposes of this Regulation, any document which may be in the possession or under the control of a Panchayet; and (*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit. (2) Any officer authorised by Government in this behalf may exercise the powers of an Amildar or a Deputy Commissioner, as the case may be, in respect of a Panchayet or Panchayets.	Inspection of property or work.
		A document may be called for and inspected only for purposes of this Regulation and not otherwise. Hence the change. The portion relating to the giving of advice is deleted. *Vide* reason given under clause 46.
48. The Government may appoint for each taluk one or re Inspectors of Panchayets to secure better supervision er Panchayets and to discharge such functions as may be igned to him or them in regard to the administration of nchayets. The Panchayets may be required to contribute wards the cost of such Inspectors.	48. The Government may appoint for each taluk one or more Inspectors of Panchayets to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	Appointment of Inspectors.
		As the Inspector discharges such functions as are assigned to him, the portion relating to his supervision is omitted.

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
49. (1) When the Amildar is informed on complaint ade or otherwise that a Panchayet in his taluk has made fault in performing any duty imposed on it by or under is Regulation, the Amildar, if satisfied after due enquiry at the Panchayet has been guilty of the alleged default, may, an order in writing, fix a period for the performance of at duty.	49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty under Section 19, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty. Power to provide for performance of duties in default of Panchayet.	The powers of an Amildar under this clause should be confined to the non-performance of obligatory duties only.
50. (1) If in the opinion of the Amildar, the execution any order or resolution of a Panchayet in his taluk or e doing of any act which is about to be done, or is being done, pursuance of or under cover of this Regulation, is likely to use the injury or annoyance to the public or to any class or dy of persons, or to lead to a breach of the peace, he may order in writing, suspend the execution or prohibit the ing thereof.	50. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof. Power to suspend execution of orders, etc.	The word 'the' is out of place and is omitted.
(2) When the Amildar makes any order under this ction, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of the reason for aking it, and it shall be in the discretion of the Deputy ommissioner to rescind the order or to direct that it shall ntinue in force with or without modification permanently for such period as he thinks fit.	(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of reasons for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.	Calls for no remarks.
51 (1) In cases of emergency, the Amildar may provide r the execution of any work, or the doing of any act, which Panchayet in his taluk is empowered to execute or do, and. ie immediate execution or doing of which is, in his opinion, ecessary for the service or safety of the public, and may rect that the expense of executing the work or doing the act, ith a reasonable remuneration to the person appointed to ecute or to do it, shall be forthwith paid by the Pancha-	51. (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet. Extraordinary power of an Amildar in cases of emergency.	The powers conferred by this clause are extraordinary and are to be used only in cases of emergency. Hence the exercise of these powers is limited only to cases where the safety of the public is concerned. The Panchayet should be informed of the order passed.

52. (1) If a Panchayet is not competent to perform, or, rsistently makes default in the performance of, the duties posed on it by or under this Regulation or otherwise by law, exceeds or abuses its powers, the Deputy Commissioner viag jurisdiction may, by an order published, with the sons for making it, in the Official Gazette, declare the Panyct to be incompetent or in default, or to have exceeded abused its powers as the case may be, and supersede it for period to be specified in the order.	52. (1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, by an order published, with the reasons for making it, in the Official Gazette, declare the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.	Power to supersede Panchayet in case of incompetency, default or abuse of powers.
(2) * * * (3) * * *	(2) * * * (3) * * *	
	(4) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.	The Panchayet should be given an opportunity to state its case. When a Panchayet is superseded an appeal should lie to Government. Hence the addition.
53. (1) Save as otherwise provided for in this Regulaon, an appeal shall lie against an order of— (*a*) the Panchayet in a Taluk to the Amildar of the aluk; (*b*) the Amildar, to the Assistant Commissioner in harge of the Taluk or to the Deputy Commissioner where here is no Assistant Commissioner in charge; and (*c*) the Assistant Commissioner, to the Deputy Comissioner; and shall be preferred within fifteen days of the date of he order. (2) The decision of the Deputy Commissioner shall e final.	53. (1) Save as otherwise provided for in this Regulation, an appeal shall lie from an order of— (*a*) the Panchayet in a Taluk to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Asssistant Commissioner in charge; (*b*) the Assistant Commissioner to the Deputy Commissioner; and shall be preferred within thirty days of the date of the order. The decision of the Deputy Commissioner shall be final. (2) Appeals to Government when expressly allowed under the Regulation shall be preferred within ninety days of the order of the Deputy Commissioner and the decision of the Government shall be final.	Appeals.
		Calls for no remark. As the Amildar generally controls the actions of the Panchayet and may be a party to any order of the Panchayet, appeals from the orders of a Panchayet should lie to the Assistant Commissioner. The number of appeals is also curtailed and period of limitation is also extended to 30 days. No limitation is prescribed in the Bill for preferring appeals to Government. Hence the addition.
55. (1) If a dispute arises between a Municipal Council nd a Panchayet within the same district, the matter shall be ferred to the Deputy Commissioner; and the decision of the eputy Commissioner thereon shall be final: Provided that, if the Deputy Commissioner is a Councilr of the Municipal Council concerned, his functions under is section shall be discharged by the Government. (2) If a dispute arises between a Municipal Council nd a Panchayet in different districts, the matter shall be ferred to the Government; and the decision of the Governent thereon shall be final.	55. (1) If a dispute arises between a Municipal Council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final, Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government. (2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.	Disputes between a Municipal Council and a Panchayet.
		City Municipal Councils are not subordinate to the Deputy Commissioner. Hence the change.

Clauses of the Bill which require amendment	Clause as amended by the Select Committee.		Reasons for the change
Nil.	55. A. Where a Panchayet has been established under this Regulation for a village or villages under the control of a Sanitary Board, constituted under the provisions of the Mysore Mines Regulation, the powers that may be exercised by the Amildar and the Assistant Commissioner under the Regulation, shall be exercised by the Vice-President of the Board, and the powers of the Deputy Commissioner, by the President of the Board. Provided that nothing contained in this Regulation shall affect the powers that are now exercised by a Sanitary Board in respect of the control of epidemics in the area under its control.	President and Vice-President of Sanitary Board to exercise powers of Deputy Commissioner and Assistant Commissioner.	*Vide* clause 3. The Sanitary Board, Kolar Gold Fields, has agreed to the constitution of Panchayets for villages under its control, subject to conditions which are detailed in this new clause.
57. (1) If after giving the member concerned a sufficient opportunity for showing cause to the contrary, the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member, they may, by order in writing, direct such member to pay to the Panchayet before a date fixed, the amount required to re-imburse it for such loss, waste or misapplication.	57 (1) If the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member of the Panchayet, they may, after giving the Panchayetdar a sufficient opportunity for showing cause to the contrary, by order in writing, direct such member to pay to the Panchayet before a date fixed, the amount required to re-imburse it for such loss, waste or misapplication.	Liability of members for loss, waste or misapplication of property.	The clause is re-cast without altering the sense. Calls for no remarks.
58. (2) (*a*) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority; Provided that the provisions of this Regulation have been in substance and effect complied with.	58. (2) (*a*) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation, or for the recovery of any sum of money collected under the authority of this Regulation, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Regulation have been in substance and effect complied with.		Proviso is more a condition than a proviso. Hence the change.
* * * * 60. (1) * * * shall on conviction before a Magistrate be liable to a fine not exceeding rupees fifty; * *	* * * * 60. (1) * * * shall on conviction before a Magistrate be punished with fine which may extend to rupees fifty; * * *		"be punished with" is the usual formula and is substituted for "be liable to".
(2) (*b*) Compound for a similar sum any of the offences aforesaid and withdraw from the prosecution instituted under this regulation or any rule thereunder.	(2) (*b*) Compound for a similar sum any of the aforesaid offences which under any law for the time being in force may lawfully be compounded and withdraw from the prosecution instituted under this Regulation or any rule thereunder.		Re-cast so as to make it clear that offences under this Regulation which are not compoundable under any law for the time being in force, cannot be compounded.

Nil.	60A. A Panchayet may direct any prosecution for any public nuisance, whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet fund. Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.	Panchayet may prosecute.	A provision similar to what exists in the Municipal Regulation regarding prosecutions for public nuisances is necessary.
61 (2) In particular, and without prejudice to the enerality of the foregoing power, the Government shall have ower to make rules:—	61 (2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:—		
* * *	* * * *		
(*f*) regarding the time, place and the conduct of meetngs of Panchayets and quorum;	(*f*) regarding the time, place and the conduct of meetings of Panchayets;		Quorum is already provided for. (*Vide* clause 17). Hence it is omitted here.
* * *	* * * *		
65 (1). * * *	63 (1) * * * *		
(2) When the person is an owner or occupier of any uilding or land, it shall not be necessary to name the owner occupier in the document, and in the case of joint owners nd occupiers, it shall be sufficient to serve it on, or send it to, ne of such owners or occupiers.	(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.		No remarks.

DISSENTING NOTE BY MESSRS. C. NARASIMHAIYYA AND B. K. GARUDACHAR.

Section 12.

For substituting the words "was assessed to" for the words "has been paying" in clause (c) of Section 12, no valid reason has been assigned. Even the draft Bill that was placed before council does not disclose any reason. In the statements of objects and reasons, attached to the Bill, and notes on clauses no suggestion has been thrown out for a change in this particular section. It appears to have been simply inserted at the suggestion of some municipal council or councillors. Even the Local Self-Government Conference has not made a recommendation of this kind.

The *Election Roll* contemplated in Section 13, is entirely different from the list or Khata which is prepared every year and which contains the names of all persons who are liable to pay the tax to a Municipality. If in the opinion of the framers of the Bill, Election Roll and Khata mean one and the same thing, then there is no necessity to prepare a separate Roll at all. The idea of the original framers of this Section was to confer a franchise or right to vote to a Municipal Councillor only on payment of Municipal dues. That was the very reason why in an Election Roll only the names of such persons who have paid the taxes were included. A citizen will not, by merely living or owning property in a city, acquire a right to vote, unless a universal franchise is conceded, and unless, he actually pays before the preparation of the Roll, he has to lose his right. It may lead a citizen to be indifferent, negligent or even to refuse to vote. It is to awaken a sense of duty and confer a right upon a citizen that payment is insisted upon. The proposed change is not desirable. Such a practice does not obtain either in the Bombay or in the Madras Presidencies and a proposal to this effect was negatived in the Madras Legislative Council. We therefore record our dissent on the amendment.

Section 46.

Section 46 as it now stands gives complete power to a Municipality to frame Rules and Bye-laws suited to the condition of each locality. The rules so framed should not be inconsistent with the Regulation and they have to be approved by the Government. But the proposed alteration deprives the Council of all its powers of framing Rules and Bye-laws as regards clauses (*b*), (II), (*c*), (*e*), (*f*), (*g*) and (*h*), and vests the power in the Government. No reason has been assigned for this drastic change. No instances have been brought to light in which Municipalities have used this power to their detriment or to the annoyance of the Government. Very strong reasons must be urged to take away such powers enjoyed by the Municipalities for years together. The objects and reasons and notes to clauses do not disclose any reason. The only reason assigned during the discussion in the Select Committee, is that power is reserved to Government because of its intention to transfer Municipal Officers and servants from one Municipality to another. There is no provision in the proposed Bill to give effect to such transfers. Even in the proposed amendment of Section 46, there is no provision for transfers. This is something like putting the cart before the horse. The proposed amendment can be thought of only when there is a provision for mutual transfers of officers and servants from one Municipality to another. The Mysore City Municipality has passed a resolution in its meeting held on 12th September 1925 against the proposed amendment. We therefore, record our dissent on the proposed amendment to Section 46.

Section 59, Clause XI.

The addition of the words "and other places" after shop and "or profession" after business, are not necessary. The idea of the framers of the Bill is clearly explained in notes on clause 12. It clearly shows that the object is to levy shop-tax in lieu of profession tax in respect of *business carried on in the shop*. The framers of the Bill did not mean that the levy should extend to any profession carried on in one's own house or in any other place except a shop. If the proposed change is accepted it means that a weaver, a potter, a goldsmith, a washerman, etc., who uses a portion of his living quarters for earning daily bread will have to be taxed. It is hard to believe that the framers of the Bill desired to levy taxes on such Home Industries and discourage them. Our benign Government are making strenuous efforts to encourage and help Home Industries. We therefore oppose the addition of the said words to the Draft Bill.

Section 95 (a).

To amend the Section 95 (*a*) so as to affect the present grain shop-owners is undesirable. There are many petty traders and their capital may not exceed more than a couple of

hundreds of rupees. It will be an uphill task to these petty traders to improve their premises r warehouses in accordance with the clauses of the new Bill. Even a reasonable time hin which the existing warehouses could be improved is not thought of and no provision e giving such facilities to the existing warehouses. Whatever may be the restriction may be placed upon the warehouses to be opened after the passing of this Regulation, existing warehouses should not be forced to come under the New Regulation for unishment. Therefore the word "used" in the proposed clause should be deleted.

The Municipal Regulation as it now exists and the Bill now introduced for amendment are complicated. There is only one Regulation for the City, Town, and other Minor Municipalities. One has to wade through to find out the sections relating to the City and Town Municipalities. Such a difficulty was experienced by us when reading the Bill in the Select Committee. It is essential that there should be separate Regulations for different kinds of Municipalities. We therefore suggest that the consideration of the present Bill and the report be postponed pending introduction of separate Bills for City, Town and Minor Municipalities.

C. NARASIMHAIYA.
B. K. GARUDACHAR.